

AMENDED IN ASSEMBLY MAY 7, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 544

Introduced by Assembly Member Montanez

February 18, 2003

An act to amend Section ~~7026~~ 7026.1 of the Business and Professions Code, relating to contractors.

LEGISLATIVE COUNSEL'S DIGEST

AB 544, as amended, Montanez. Contractor: temporary labor.

Existing law, the Contractors' State License Law, creates the Contractors' State License Board within the Department of Consumer Affairs and provides for the licensure and regulation of contractors. Existing law defines contractor and includes ~~a subcontractor and a specialty contractor~~ *certain persons who maintain or service air conditioning or heating units, submit a bid to construct a building, or perform tree removal* within that definition.

This bill would also define contractor to include *certain* work activity provided by *a* temporary labor ~~services~~ *service agency*.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 7026 of the Business and Professions~~
- 2 *SECTION 1. Section 7026.1 of the Business and Professions*
- 3 *Code is amended to read:*
- 4 7026.1. The term "contractor" includes:

1 (a) Any person not exempt under Section 7053 who maintains
2 or services air-conditioning, heating, or refrigeration equipment
3 that is a fixed part of the structure to which it is attached.

4 (b) Any person, consultant to an owner-builder, firm,
5 association, organization, partnership, business trust, corporation,
6 or company, who or which undertakes, offers to undertake,
7 purports to have the capacity to undertake, or submits a bid, to
8 construct any building or home improvement project, or part
9 thereof.

10 (c) *A temporary labor service agency that, as the employer,*
11 *provides employees for the performance of work covered by this*
12 *chapter. The provisions of this subdivision may not apply if there*
13 *is a properly licensed contractor supervising the work who is*
14 *directly responsible for the final results. A contractor requesting*
15 *the services of a temporary labor agency shall provide his or her*
16 *license number to that temporary labor service agency.*

17 (d) Any person not otherwise exempt by this chapter, who
18 performs tree removal, tree pruning, stump removal, or engages in
19 tree or limb cabling or guying. The term contractor does not
20 include a person performing the activities of a nurseryman who in
21 the normal course of routine work performs incidental pruning of
22 trees, or guying of planted trees and their limbs. The term
23 contractor does not include a gardener who in the normal course
24 of routine work performs incidental pruning of trees measuring
25 less than 15 feet in height after planting.

26 ~~(d)~~

27 (e) Any person engaged in the business of drilling, digging,
28 boring, or otherwise constructing, deepening, repairing,
29 reperfoming, or abandoning any water well, cathodic protection
30 well, or monitoring well.

31 ~~Code is amended to read:~~

32 ~~7026. "Contractor," for the purposes of this chapter, is~~
33 ~~synonymous with "builder" and, within the meaning of this~~
34 ~~chapter, a contractor is any person who undertakes to or offers to~~
35 ~~undertake to, or purports to have the capacity to undertake to, or~~
36 ~~submits a bid to, or does himself or herself or by or through others,~~
37 ~~construct, alter, repair, add to, subtract from, improve, move,~~
38 ~~wreck or demolish any building, highway, road, parking facility,~~
39 ~~railroad, excavation or other structure, project, development or~~
40 ~~improvement, or to do any part thereof, including the erection of~~

1 ~~scaffolding or other structures or works in connection therewith,~~
2 ~~or the cleaning of grounds or structures in connection therewith,~~
3 ~~or the preparation and removal of roadway construction zones,~~
4 ~~lane closures, flagging, or traffic diversions, or the installation,~~
5 ~~repair, maintenance, or calibration of monitoring equipment for~~
6 ~~underground storage tanks, and whether or not the performance of~~
7 ~~work herein described involves the addition to, or fabrication into,~~
8 ~~any structure, project, development or improvement herein~~
9 ~~described of any material or article of merchandise. "Contractor"~~
10 ~~includes subcontractor, specialty contractor, and work activity~~
11 ~~provided by temporary labor services. "Roadway" includes, but~~
12 ~~is not limited to, public or city streets, highways, or any public~~
13 ~~conveyance.~~

